



NEW MEXICO  
ENVIRONMENT DEPARTMENT



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**GROUND WATER QUALITY BUREAU  
DISCHARGE PERMIT – NEW  
Issued under 20.6.2 NMAC**

**TEMPO AI#:** 30128  
**GWQB Discharge Permit No:** DP-1898  
**Facility Name:** Riggs & Sons Chili Dehydrator, Inc.

**Permittee Name:** Alan 'Vance' Riggs  
**Mailing Address:** 2 E. Cottonwood Rd.  
Artesia, NM 88210

**Permitting Action:** New  
**Source Classification:** Agriculture - Crop

**Facility Location:** 2 E. Cottonwood Rd.  
Section 12, Township 16S, Range 25E

**County:** Eddy

**Agriculture Compliance Contact** Matthew Smith  
**Phone No.** (505) 827-2797

**EFFECTIVE DATE: DATE**

**TERM ENDS: EXP DATE**

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**Michelle Hunter**  
**Chief, Ground Water Quality Bureau**

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

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## **PART A GENERAL INFORMATION**

### **A100 Introduction**

- A. The New Mexico Environment Department (NMED) issues this Discharge Permit New (Discharge Permit), **DP-1898**, to Alan Riggs (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC. NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from Riggs & Sons Chili Dehydrator, Inc. (facility) for the protection of groundwater and those segments of surface water gaining from groundwater inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.
- B. The permittee is discharging up to 3,000 gallons per day (gpd) of effluent from Riggs & Sons Chili Dehydrator, Inc. This discharge or leachate may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (TDS) within the meaning of Section 20.6.2.3104 and Subsection A of 20.6.2.3101 NMAC. The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC.
- C. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

### **A101 Terms of Permit Issuance**

- A. **Permit Duration** - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of a Discharge Permit shall be for the fixed term of **five (5) years** from the effective date of the Discharge Permit.
- B. **Permit Fees** – Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]

- C. **Permit Renewal** - To renew this Discharge Permit, the permittee shall submit, in accordance with Section G of 20.6.2 NMAC, an application and any associated fees for renewal, renewal and modification, or renewal for closure at least 120 days before the discharge permit expiration date, unless closure of the facility is approved by NMED before that date.
- D. **Transfer of Ownership** - This Discharge Permit is being issued to Alan Riggs (permittee) as identified in **Section A100** above. In accordance with Section 20.6.2.3111 NMAC, the permittee, any listed owner(s) of record, and any [other] holder(s) of an expired discharge permit are responsible for complying with the conditions listed herein. If during the duration of this Discharge Permit a change in the list of responsible parties is required, transfer of ownership shall be completed in accordance with Section 20.6.2.3111(A).

#### **A102 Applicable Regulations**

- A. **Scope** - This Discharge Permit applies solely for the regulation of process wastewater or stormwater generated as a result of facility operations and does not include regulation of domestic wastewater at the facility. Domestic wastewater generated at the facility is treated or disposed of pursuant to 20.7.3 NMAC.
- B. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.
- C. Groundwater quality as observed in on-site monitoring wells is subject to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC unless otherwise specified in this Discharge Permit.
- D. Complying with the applicable requirements of 20.6.2 NMAC does not relieve a facility's owner, operator or permittee from complying with the requirements of other applicable local, state and federal regulations or laws.

#### **A103 Facility: Physical Description**

- A. This facility is located at 2 E. Cottonwood Rd., approximately 6.5 miles northwest of Artesia, in Section 12, Township 16S, Range 25E, Eddy County.
- B. This facility is comprised of the following wastewater system components as identified in the application dated August 14, 2019 and the administrative record as of the effective date of this Discharge Permit:
1. Wastewater impoundments:
    - a. **Evap Pond** – a 60 mil HDPE lined retention impoundment used to store wastewater for disposal by evaporation. Evap Pond is proposed to be located approximately 600 feet northeast of the production area with an estimated capacity of 1.00 ac-ft.

These system components are identified as potential sources of groundwater contamination. A list of all wastewater system components authorized to discharge under this Discharge Permit is provided in **Section B100**.

#### **A104 Facility: Documented Hydrogeologic Conditions**

- A. Groundwater most likely to be affected at this facility is at a depth of approximately 45 feet and has a total dissolved solids concentration of 2,540 milligrams per liter.

## **PART B FACILITY SPECIFIC REQUIREMENTS**

### **B100 Facility: Authorized Discharge**

- A. Prior to discharging to the Evap Pond, the permittee shall submit written notification to NMED stating the date the discharge is to commence. [Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]
- B. Prior to discharging to the Evap Pond, the permittee shall submit an up-to-date diagram of the layout of entire facility to NMED. The diagram shall include the following elements:
- north arrow
  - effective date of the diagram
  - overall facility layout
  - sumps
  - solids separators/settling basins
  - wastewater impoundments
  - ground water monitoring wells
  - irrigation wells
  - meters measuring wastewater discharges to the sump
  - wastewater distribution pipelines
  - wastewater sampling locations
  - septic tanks and leachfields

Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such. [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]

- C. The permittee is authorized to discharge water contaminants as part of facility operations subject to the following requirements:
1. The permittee is authorized to discharge up to 3,000 gpd of wastewater from the production area of a chile processing plant. Wastewater flows to a concrete sump and is pumped through a concrete solids separator to a synthetically lined wastewater impoundment for storage and disposal by evaporation.
  2. The permittee is authorized to use the following impoundments for the following purposes in accordance with Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC:
    - a. **Evap Pond** – authorized to receive wastewater for storage and disposal by evaporation.
- D. This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges, such as spills or leaks, violate Section 20.6.2.3104 NMAC and must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC.

**B101 Facility: Existing System Controls**

A. The following existing system controls at this facility shall be required as described below:

1. **Impoundment** - The permittee shall maintain operations of the existing impoundment as listed in **Section A103** above in accordance with conditions listed in **Table B1** to achieve compliance with this Discharge Permit. The wastewater impoundment system shall be designed to achieve compliance with the storage capacity requirements of Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC.
2. **Flow Meter** - The facility measures the volume of wastewater discharged from the production area using the following flow meter:

**Meter-1** - located at the sump at the production area to measure the volume of wastewater discharged from the production area to the Evap Pond.

**B102 Facility: Conditions for Operation**

- A. **Impoundment(s)** - The permittee shall manage all impoundments at the facility in accordance with 20.6.2.3107 and 20.6.2.3109 NMAC and the conditions summarized in **Table B1** below.

**Table B1  
Impoundment**

<b>Engineering, Surveying and Construction and/or Improvements</b>	
a) None required.	
<b>Operations and Maintenance of All Impoundments</b>	
b) Prior to discharging for the 2020 processing season complete construction to the following new impoundment with the approved construction plans and specifications and supporting design calculations: <b>Evap Pond</b> .	
c) In order to maintain the required capacity, solids shall be removed from the impoundment as needed in a manner that is protective of the liner. Solids shall be stored and transported off-site in accordance with the conditions of this Discharge Permit.	
d) Maintain impoundments to prevent conditions which could affect the structural integrity of the impoundments and associated liners. Such conditions include or may be characterized by the following:	
	<ul style="list-style-type: none"><li>• Erosion damage</li><li>• Animal burrows or other damage</li><li>• The presence of large debris or large quantities of debris in the impoundment</li><li>• Evidence of seepage</li><li>• Evidence of berm subsidence</li><li>• The presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself. Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.</li></ul>

**Table B1**  
**Impoundment**

e) The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundment and the elevation of the top of the impoundment liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit.
f) Repair or replace the faulty pipe(s) or fixture(s) within 72 hours of discovery of an unauthorized discharge.
<b>Inspection and Monitoring All Impoundments</b>
g) Visually inspect impoundment and surrounding berms on a monthly basis to ensure proper condition and control vegetation growing around the impoundments in a manner that is protective of the liners.
h) Visually inspect pipes and fixtures on a weekly basis for evidence of leaks or failure. In areas where pipes and fixtures cannot be visually inspected because they are buried, visually inspect the area directly surrounding the features for evidence of leaks or failure (e.g., saturated surface soil, surfacing wastewater, etc.).
i) The permittee shall collect a composite wastewater sample twice during the production season from the impoundment system. The composite wastewater sample shall be collected once with two weeks of commencement of the processing season and once within two weeks of the anticipated cessation of the processing season. The composite sample(s) shall consist of a minimum of six equal sub-samples collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The composite sample(s) shall be analyzed for TKN, NO <sub>3</sub> -N, TDS and Cl. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the annual monitoring report due February 1 of each year.
<b>Recordkeeping and Reporting All Impoundments</b>
j) Notify NMED at least five working days before starting construction or improvement of an impoundment to allow for an inspection by NMED personnel.
k) Within 90 days of completed impoundment construction, submit a Construction Certification Report verifying construction. The construction certification report shall include: record drawings, final specifications, final capacity calculations and the CQA/CQC report, and bear the seal and signature of a licensed New Mexico professional engineer.
l) Report any unauthorized discharges to NMED pursuant to 20.6.2.1203 NMAC.
m) Unless otherwise specified in this Discharge Permit, submit all monitoring information annually as part of the required Monitoring Report in accordance with the general reporting schedule listed in Table C1 of this Discharge Permit.
n) Notify NMED within 24 hours of discovery of any observed impoundment condition(s) that may impact the structural integrity of a berm or liner or that may result in an unauthorized discharge. [20.6.2.3107 NMAC]
o) Maintain written records at the facility of all facility inspections including repairs and replacements.

B. **Solids Management** - The permittee shall manage all solids at the facility in accordance with 20.6.2.3107 and 20.6.2.3109 NMAC and the conditions summarized in **Table B2** below.

**Table B2**  
**Solids Management**

<b>Engineering and Surveying</b>
a) None required.
<b>Operations and Maintenance</b>
b) The permittee shall store and remove solids separated from the wastewater in a manner and frequency necessary to prevent the contamination of ground water. Solids collected by the separator system and removed from the sump shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. <b>Disposal of solids on the surface disposal area is prohibited.</b> Prior to off-site disposal, any solids stored at the facility shall be managed to minimize the generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within solids stockpiling. - OR - Solids shall be contained in a waste disposal bin prior to being hauled offsite for final disposal.
<b>Inspection and Monitoring</b>
c) The permittee shall inspect the concrete sump and separator system on a quarterly basis and clean as needed to prevent pump failure. The permittee shall maintain a record of sump inspections, repairs and cleanings. Solids generated in the processing area shall be stored and transported off-site in accordance with the conditions of this Discharge Permit.
<b>Recordkeeping and Reporting</b>
d) None required.

- C. **Flow Meters** – Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the permittee shall employ a flow metering system that uses flow measurement devices (flow meters) to measure the volume(s) of 1) wastewater discharged from the production area and 2) wastewater transferred and land applied at the facility. All flow meters employed at the facility shall be managed in accordance with the conditions listed in **Table B3** below.

**Table B3**  
**Flow Meters**

<b>Engineering and Surveying</b>
a) None required.
<b>Operations and Maintenance</b>
b) All flow meters shall be calibrated in accordance with the manufacturer's requirements prior to installation or reinstallation following repair.
<b>Inspection and Monitoring</b>
c) The permittee shall measure the monthly volume of wastewater discharged to the impoundment system. The permittee shall obtain readings from a closed-pipe totalizing flow meter (Meter-1) located on the discharge line between the processing area and the impoundment system on a monthly basis and calculate the monthly and average daily volume discharged to the impoundment system. The monthly meter readings and calculated monthly and average daily discharge volumes shall be submitted to NMED in the annual monitoring report due February 1 of each year.
d) Visually inspect flow meters on a weekly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning to measure flow, the permittee shall initiate repair or replacement of the meter within 30 days of discovery.



**Table B3**  
**Flow Meters**

<b>Recordkeeping and Reporting</b>
<p>e) Within 30 days of meter installation, submit a <b><u>Confirmation of Installation</u></b> report to NMED that includes: a description of the device type, manufacturer, meter identification, location, record drawings, and a copy of the manufacturer's certificate of calibration and a copy of the manufacturer's recommended maintenance schedule.</p> <p>f) Maintain copies of the manufacturer's certificate of calibration and the manufacturer's recommended maintenance schedule at the facility.</p> <p>g) Record of meter readings at intervals not to exceed monthly. The average daily discharge volume for each recording interval shall be calculated by dividing the difference between the meter readings by the number of days between meter readings.</p> <p>h) Record meter readings (without adjustments or deductions) and submit in the <b>annual monitoring report</b>. Include the date, time and units of each measurement, and calculations for the average daily volumes of wastewater discharged from the processing area, reported in gallons per day.</p> <p>i) For meters requiring repair, submit a report to NMED with next scheduled monitoring report following the repair that includes a description of the malfunction, a statement verifying the repair, and a copy of the manufacturer's or repairer's certificate of calibration.</p> <p>j) For meters requiring replacement, submit a report to NMED next scheduled monitoring report following the replacement that includes plans for the device, a copy of the manufacturer's certificate of calibration, and a copy of the manufacturer's recommended maintenance schedule.</p>

**B103 Facility: Conditions for Closure**

- A. Upon closure of the facility, the permittee shall perform the following closure measures:
- B. For permanent closure, the following closure actions shall be completed upon permanent cessation of wastewater discharge:
1. Notify NMED of closure plans within 30 days of cessation.
  2. Provide NMED with a **Disposal Plan** for closure activities: Implement **Disposal Plan** upon NMED approval.
  3. Empty all facility impoundments of wastewater within 6 months of cessation.
  4. Perforate or remove impoundment liner(s), as applicable, re-grade impoundments with clean fill, and blend area with surrounding surface topography to prevent ponding within 2 years of cessation
  5. Dispose all wastes according the approved **Disposal Plan**.
  6. When all closure and post-closure requirements have been met, the permittee may request to terminate the Discharge Permit [20.6.2.3109 NMAC, 20.6.2.3107. NMAC].

**B104 Facility: Contingency Plan**

- A. In the event NMED or the permittee identifies any failures of the Discharge Permit or system not specifically noted herein, NMED may require the permittee to develop for NMED approval a contingency or corrective action plan and schedule to cope with the failure(s) [20.6.2.3107.A(10) NMAC].
- B. Facility conditions that will invariably require permittee action under one or more contingency plans include:

1. **Exceedance of groundwater quality standards** - In the event that a ground water quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in ground water is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in ground water during the term of this Discharge Permit, upon closure of the facility, or during the implementation of post-closure requirements, the permittee shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and a completion schedule by submitting a corrective action plan to NMED for approval.
2. **Exceedance(s) of permitted maximum daily discharge volume** - The maximum daily discharge volume authorized by this Discharge Permit is exceeded by more than ten percent for any four average daily discharge volumes within any 12-week period the permittee shall submit a corrective action plan to reduce the discharge volume for NMED approval.
3. **Insufficient impoundment capacity** - A survey, capacity calculations, or settled solids thickness measurements indicate an existing impoundment is not capable of meeting the capacity the permittee shall submit a corrective action plan for NMED approval.

The plan may include, but is not limited to, proposals for constructing an additional impoundment, reducing the discharge volume, removing accumulated solids, changing wastewater management practices, or installing an advanced treatment system. The corrective action plan shall include a schedule for implementation through completion of corrective actions. The corrective action plan schedule shall propose completion not to exceed one year from the submittal date of the initial corrective action plan. The permittee shall initiate implementation of the plan following approval by NMED. Should the corrective action plan include removal of accumulated solids, solids shall be removed from the impoundment in a manner that is protective of the impoundment liner. The plan shall include the method of removal, and locations and methods for storage and disposal (or land application, if authorized) of the solids.

4. **Inability to maintain required freeboard** - A minimum of two feet of freeboard cannot be preserved in one or more wastewater impoundment(s).

In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the impoundment through pumping and hauling; or reducing the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the plan following approval by NMED.

5. **Impoundment(s) structural integrity compromised** - Any damage to the berms or the liner of an impoundment or any condition that exists that may compromise the structural integrity of the impoundment.

The permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the plan following approval by NMED.

6. **Spills, leaks, unauthorized discharge** – Any spill or release that is not authorized under this Discharge Permit. the permittee shall comply with the requirements of Sections 20.6.2.1203 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.2.1203 NMAC.

- C. The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of ground water contamination.

## **PART C GENERAL TERMS AND CONDITIONS**

### **C100 Introduction**

- D. The NMED has reviewed the permit application for the proposed new facility and has determined that the provisions of the applicable groundwater quality standards will be met in accordance with this Discharge Permit. General conditions for all Discharge Permits issued by the Ground Water Quality Bureau pursuant to NMAC 20.6.2 are summarized on **Table C1**. Unless otherwise specified in Parts A or B of this Discharge Permit, both the general conditions for a facility discharge permit (as listed in this part) and facility-specific conditions as listed in **Part B** are mandated to assure continued compliance.

**Table C1**  
**General Discharge Permit Conditions:**

<b>Engineering and Surveying</b>
a) None required.
<b>Operations and Maintenance</b>
b) Operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.
c) Install and maintain fences around the facility to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates.
d) Repair or replace compromised pipe(s) or fixture(s) within 72 hours of discovery.
<b>Inspection and Monitoring</b>
a) Visually inspect all facility pipes and fixtures on a weekly basis for evidence of leaks or failure. [20.6.2.3107 NMAC]

**Table C1**  
**General Discharge Permit Conditions:**

<b>Recordkeeping and Reporting</b>
b) Maintain written records at the facility of any inspection(s), repairs and maintenance conducted on facility infrastructure as related the wastewater management system.
c) Conduct the monitoring, reporting, and other requirements in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
d) Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC
e) Unless otherwise identified in this Discharge Permit, submit an <b>annual monitoring report</b> to NMED by <b>February 1 of each year</b> [Subsection A of 20.6.2.3107 NMAC]
f) Retain required records for a minimum period of 10 years from the date of any sample collection, measurement, report or application in accordance with 20.6.2.3107 NMAC, 74-6-5 WQA.

**C101 Legal**

- A. Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders [20.6.2 NMAC].
- B. Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.
- C. Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the 20.6.2 NMAC, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]
- D. Pursuant to WQA 74-6-10.2(A-F), criminal penalties shall be assessed for any person who knowingly violates or knowingly causes or allows another person to:

1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
  2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
  3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.
- E. Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice in accordance with 20.6.2.3111 NMAC. The transferee(s) shall notify NMED, in writing, of the date of transfer of ownership and provide contact information for the new owner(s) pursuant to Subsection B of 20.6.2.3111 NMAC.
- F. Pursuant to WQA 74-6-5(o), the Permittee has a right to appeal the conditions and requirements as outlined in this Discharge Permit through filing a petition for review before the WQCC. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.

#### **C102 General Inspection and Entry Requirements**

- A. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, 20.6.2 NMAC, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
- B. The permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]:
1. Enter at regular business hours or at other reasonable times upon the permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
  2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
  3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
  4. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.

#### **C103 General Record Keeping and Reporting Requirements**

- A. The permittee shall maintain a written record of the following:
1. Amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
  2. Operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. Per Section A of 20.6.2.3107 NMAC, this record shall include:
    - a. Repair, replacement or calibration of any monitoring equipment
    - b. Repair or replacement of any equipment used in the permittee's waste or wastewater treatment and disposal system.
  3. Any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
- B. The permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:
1. The dates, exact place and times of sampling or field measurements;
  2. The name and job title of the individuals who performed each sample collection or field measurement;
  3. The date of the analysis of each sample;
  4. The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;
  5. The analytical technique or method used to analyze each sample or take each field measurement;
  6. The results of each analysis or field measurement, including raw data;
  7. The results of any split sampling, spikes or repeat sampling; and
  8. A description of the quality assurance (QA) and quality control (QC) procedures used.
- C. The permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

#### **C104 Modifications and/or Amendments**

- A. The permittee shall notify NMED of any changes to the permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the

concentration of water contaminants discharged, above those levels approved in this Discharge Permit [20.6.2.3107.C NMAC].

- B. The permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]

## **Part D     MISCELLANEOUS**

### **D100   Acronyms**

CL .....	Chloride
CQA .....	construction quality assurance
CQC .....	construction quality control
DP .....	discharge permit
FEMA .....	federal emergency management administration
FIRM.....	flood insurance rate map
gpd .....	gallon per day
LADS .....	Land Application Data Sheet(s)
mg/L.....	milligram per liter
mL.....	milliliters
NMAC.....	New Mexico Administrative Code
NMED.....	New Mexico Environment Department
NMSA.....	New Mexico Statutes Annotated
NO <sub>3</sub> -N .....	Nitrate as Nitrogen
SDDS .....	Surface Disposal Data Sheet(s)
TDS.....	total dissolved solids
TKN .....	total Kjeldahl nitrogen
WQA.....	New Mexico Water Quality Act
WQCC.....	Water Quality Control Commission